



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,091	10/31/2003	Peter S. Ebert	13909-124001 / 2003P00495	1449
32864	7590	08/06/2008		
FISH & RICHARDSON, P.C.				
PO BOX 1022				
MINNEAPOLIS, MN 55440-1022				
EXAMINER				
IWARERE, OLUSEYE				
ART UNIT		PAPER NUMBER		
3687				
MAIL DATE		DELIVERY MODE		
08/06/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/697,091

Applicant(s)

EBERT, PETER S.

Examiner

OLUSEYE IWARERE

Art Unit

3687

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6-15, 17-24, 31-36 and 38-45 is/are pending in the application.
- 4a) Of the above claim(s) 2-5, 16, 25-30, and 37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1, 6-15, 17-24, 31-36 and 38-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to the correspondence received on April 10, 2008. Amendments to the claims have been added and the proper claims have been cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 1, 6 – 8, 10 – 13, 17, 18, 23, 24, 32 – 36 and 38 – 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cepeda (2002/0069143) and Birch (7,272,568) further in view of Walker et al. (2006/0212358).**

As per claims 1 and 24, Cepeda discloses a method and system comprising:

a processor (fig. 2 depicts a processor);

a computer-readable medium coupled to the processor and having instructions stored thereon, which when executed by the processor causes the processor to perform operations comprising:

accessing expense data for one or more expense types ([0022]; centralized database, which is construed as including expense data, 20 is stored on server system 12 and can be accessed by potential users at one of client systems 14);

computing an initial average expense for one or more of the expense types ([abstract]; The system is configured to receive business information, allocate operating expenses, compute an average deal cost, calculate deal cost per product);

presenting the computed initial average expense to a user ([0046]; The home page displays several options 850 including updating the database, searching the database, or printing one of the reports identified in FIGS. 9 through 11. The reports are construed as including the computed average expenses and printing is construed as presenting);

accessing context data (fig. 3 depicts accessing context data);

sorting the one or more items based on the service ratings and the context data (figs. 1 and 11 depict a database which sorts);

presenting the one or more items to a user ([abstract] discusses presenting various management reports);

receiving a user selection of an item corresponding to an expense type ([0046]; Once the user selects 852 a specific option from the various hypertext links, which are

construed as including an item corresponding to an expense type, the request is transmitted 860 to server system 12);

entering expense data for the item ([claim 9]; step of updating the centralized database further comprises the step of entering information on-line); and

computing an updated average expense for the expense type associated with the item based upon the expense data for the item ([abstract]; calculate deal cost per product by adjusting the average deal cost to reflect complexity differences);

However, Cepeda fails to explicitly disclose, receiving travel data including a travel destination, a departure time, and a return time.

Birch teaches a system and method for matching an offer with a quote, with the features of receiving travel data including a travel destination, a departure time, and a return time (fig. 7 depicts these elements).

From this teaching of Birch, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method of Cepeda to include the travel destination, departure time and return time, taught by Birch, in order to provide specific travel services.

The combination of Cepeda and Birch disclose the claimed invention but fail to explicitly disclose further disclose, comprising: calculating a difference between the expense data for the item and the initial average expense for the expense type

associated with the item; and providing a reward to the user based upon the calculated difference.

Walker teaches multi-user pricing of individual products based on volume discounts with the features of:

calculating a difference between the expense data for the item and the initial average expense for the expense type associated with the item ([0198] In step 750, the computer terminal 708 or the central server 702 calculates a difference between the initial purchase total for the transaction and a threshold purchase total required to qualify for discount pricing); and

providing a reward to the user based upon the calculated difference ([0156]; A method and apparatus for managing a group reward program whereby a group of customers) ([0156]; tracks the performance of the group as compared to the reward rules. The reward rules are construed as including the calculated difference).

From this teaching of Walker, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method for allocating operating expenses of Cepeda to include the calculating a difference between the expense data for the item and the initial average expense for the expense type associated with the item; and providing a reward to the user based upon the calculated difference, taught by Walker in order to provide a means to execute the incentive offer.

As per claim 6, Cepeda discloses wherein context data comprises one or more of special events data, weather data, local data, and a specific expense limit ([0037];

each product (i.e. Loan, Lease, Common Equity, Preferred Equity, etc.) tends to have a different level of complexity, which drives different processes and costs, the different level of complexity is construed as context data. Loans and leases are construed as special events data).

As per claims 7 and 31, Cepeda further discloses, comprising providing user data ([0034]; system 10 accumulates a variety of personal and confidential data for the business entity, which is construed as user data) and associating the user data with the expense data ([0031]; Once the business units are defined, which are construed as user data, each of the product categories under the business unit is created to track operating expenses by each product categories. The tracking of operating expenses by each product categories is construed as associating the user data with the expense data).

As per claim 8, Cepeda discloses wherein presenting comprises presenting based at least in part on the user data ([0005]; The system is receives business information, stores the business information, cross-references the business information against unique identifiers into a centralized database, updates the centralized database with revised business information, and provides various management reports that track operating expenses by various products and processes in response to an inquiry. Providing management reports is construed as presenting and business information is construed user data).

As per claims 10 and 34, Cepeda further discloses, comprising providing service data ([0004]; The CAMS allocates costs to a specific Business Unit's products and processes based on various data inputs, which is construed as capable of including service data) and associating the service data with the expense data ([0004]; The CAMS also determines average deal unit costs, beginning and ending inventory for active deals, and total cost for terminated and closed deals, which is construed as associating the service data with the expense data).

As per claim 11, Cepeda discloses wherein presenting comprises presenting based at least in part on the service data ([0004]; The CAMS allocates costs to a specific Business Unit's products and processes based on various data inputs, these inputs are construed as capable of including service data. The output is construed as presenting based at least in part on service data).

As per claim 12, Cepeda discloses the elements of the claimed invention but fails to explicitly disclose, wherein the service data comprises one or more of an offer, a special offer, and a local standard cost.

Walker teaches multi-user pricing of individual products based on volume discounts with the feature of wherein the service data comprises one or more of an offer, a special offer, and a local standard cost ([abstract]; qualification for discount pricing can also be based on, for example, a customer's purchasing history, or the

number of a certain type of product included in the transaction instead of the purchase total of a transaction).

From this teaching of Walker, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method for allocating operating expenses of Cepeda to include the special offer, taught by Walker in order to provide an incentive to a customer.

As per claim 13, Cepeda further discloses, comprising reporting the expense data to the user ([abstract]; and provide various management reports to track operating expenses by different categories to facilitate strategic decision making process).

As per claims 17 and 38, Cepeda discloses the elements of the claimed invention but fails to explicitly disclose, calculating a difference between the expense data for the item and the initial average expense for the expense type associated with the item, assigning a number of points corresponding to the difference, and associating the points with the user.

Walker teaches multi-user pricing of individual products based on volume discounts with the features of:

calculating a difference between the expense data for the item and the initial average expense for the expense type associated with the item ([0198] In step 750, the computer terminal 708 or the central server 702 calculates a difference between the

initial purchase total for the transaction and a threshold purchase total required to qualify for discount pricing);

assigning a number of points corresponding to the difference ([0056]; stores a plurality of customer identifiers, which are construed as capable of being in the form of points, that correspond to customers that register with the group reward program); and

associating the points with the user ([0156]; wherein the system (i) stores a plurality of customer identifiers, which is construed as capable of including points that correspond to customers that register with the group reward program).

From this teaching of Walker, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method for allocating operating expenses of Cepeda to include the calculating a difference between the expense data for the item and the initial average expense for the expense type associated with the item, assigning a number of points corresponding to the difference, and associating the points with the user, taught by Walker in order to further provide a means to execute the incentive.

As per claims 18, 39 and 45, Cepeda discloses the elements of the claimed invention but fails to explicitly further disclose comprising providing a reward to the user based upon the number of points.

Walker teaches multi-user pricing of individual products based on volume discounts with the feature of further comprising providing a reward to the user based upon the number of points ([0156]; (e.g. by performing a periodic reconciliation process

for each stored group identifier; and (vi) performs a redemption process of any rewards the group is eligible for).

From this teaching of Walker, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method for allocating operating expenses of Cepeda to include the providing of a reward to the user based upon the number of points, taught by Walker in order to provide criteria for a customer incentive.

As per claim 23, Cepeda further discloses, comprising presenting at least a portion of the expense data to the user ([abstract]; and provide various management reports to track operating expenses by different categories to facilitate strategic decision making process. The management reports are construed as presenting).

As per claim 32, Cepeda discloses wherein the initial average is computed based at least in part on the user data ([0037]; CAMS 10 allocates operating expenses to the business unit's processes and computes the average deal cost) ([0038]; the cost allocation model adjusts the average deal costs to reflect product differences in complexity, which is construed as including user data).

As per claim 33, Cepeda discloses wherein the updated average is computed based at least in part on the user data ([0037] calculates the deal cost per product by adjusting the average deal cost to reflect complexity differences between products)

([0038]; the cost allocation model adjusts the average deal costs to reflect product differences in complexity, which is construed as including user data).

As per claim 35, Cepeda discloses wherein initial average is calculated based at least in part on the service data ([0037]; CAMS 10 allocates operating expenses to the business unit's processes and computes the average deal cost) ([0038]; the cost allocation model adjusts the average deal costs to reflect product differences in complexity, which is construed as including service data).

As per claim 36, Cepeda discloses wherein the updated average is calculated based at least in part on the service data ([0037] calculates the deal cost per product by adjusting the average deal cost to reflect complexity differences between products) ([0038]; the cost allocation model adjusts the average deal costs to reflect product differences in complexity, which is construed as including service data).

As per claim 40, Cepeda discloses an apparatus comprising:
a smart expense application running on a host device ([0021] In an exemplary embodiment, the application is implemented as a Cost Allocation Centralized Database utilizing a Structured Query Language (SQL) with a client user interface front-end for administration and a web interface for standard user input and reports), wherein the smart expense application is configured to:

access expense data for one or more expense types in a database ([0022]; centralized database, which is construed as including expense data, 20 is stored on server system 12 and can be accessed by potential users at one of client systems 14);

compute an initial average expense for one or more of the expense types ([abstract]; The system is configured to receive business information, allocate operating expenses, compute an average deal cost, calculate deal cost per product);

present the initial average expense data to a client device configured to communicate with the smart expense application ([0046]; The home page displays several options 850 including updating the database, searching the database, or printing one of the reports identified in FIGS. 9 through 11, The reports are construed as including the computed average expense data and printing is construed as presenting);

display the initial average expense data to a user ([0046]; The home page displays several options 850 including updating the database, searching the database, or printing one of the reports identified in FIGS. 9 through 11, which is construed as including the computed average expense data);

access context data (fig. 3 depicts accessing context data);

sort the one or more items based on the service ratings and the context data figs. 1 and 11 depict a database which sorts;

present the ore or more items to a user ([abstract] discusses presenting various management reports;

receive a user selection to order an item corresponding to an expense type ([0046]; Once the user selects 852 a specific option from the various hypertext links,

which are construed as including an item corresponding to an expense type, the request is transmitted 860 to server system 12);

receive expense data for the item ([claim 9]; step of updating the centralized database further comprises the step of entering information on-line); and

compute an updated average expense for the expense type associated with the item based upon the expense data for the item ([abstract]; calculate deal cost per product by adjusting the average deal cost to reflect complexity differences);

However, Cepeda fails to explicitly disclose, receiving travel data including a travel destination, a departure time, and a return time.

Birch teaches a system and method for matching an offer with a quote, with the features of receiving travel data including a travel destination, a departure time, and a return time (fig. 7 depicts these elements).

From this teaching of Birch, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method of Cepeda to include the travel destination, departure time and return time, taught by Birch, in order to provide specific travel services.

The combination of Cepeda and Birch disclose the claimed invention but fail to explicitly disclose further disclose, comprising: calculating a difference between the expense data for the item and the initial average expense for the expense type associated with the item; and providing a reward to the user based upon the calculated difference.

Walker teaches multi-user pricing of individual products based on volume discounts with the features of:

calculating a difference between the expense data for the item and the initial average expense for the expense type associated with the item ([0198] In step 750, the computer terminal 708 or the central server 702 calculates a difference between the initial purchase total for the transaction and a threshold purchase total required to qualify for discount pricing); and

providing a reward to the user based upon the calculated difference ([0156]; A method and apparatus for managing a group reward program whereby a group of customers) ([0156]; tracks the performance of the group as compared to the reward rules. The reward rules are construed as including the calculated difference).

From this teaching of Walker, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method for allocating operating expenses of Cepeda to include the calculating a difference between the expense data for the item and the initial average expense for the expense type associated with the item; and providing a reward to the user based upon the calculated difference, taught by Walker in order to provide a means to execute the incentive offer.

As per claim 41, Cepeda discloses wherein the smart expense application is further configured to access user data ([0034]; system 10 provides access based on positions and management authority within the business entity) and present the initial average expense data based upon the user data ([0005]; The system is receives

business information, stores the business information, cross-references the business information against unique identifiers into a centralized database, updates the centralized database with revised business information, and provides various management reports that track operating expenses by various products and processes in response to an inquiry. The business data construed user data and the management reports are construed as presenting).

As per claim 42, Cepeda discloses wherein the smart expense application is further configured to access service data ([0022]; centralized database, which is construed as including service data, 20 is stored on server system 12 and can be accessed by potential users at one of client systems 14) and present the initial average expense data based upon the service data ([0004]; The CAMS allocates costs to a specific Business Unit's products and processes based on various data inputs, which is construed as capable of including service data).

As per claim 43, Cepeda discloses wherein the smart expense application is further configured to access context data ([0022]; centralized database, which is construed as including context data, 20 is stored on server system 12 and can be accessed by potential users at one of client systems 14) and present the initial average expense data based upon the context data ([claim 18]; printing at least one of Operating Cost by Product identifying Total Costs, Operating Cost by Process identifying Cost associated with Lead Generation, Cost associated with PIC, Cost associated with

Proposal Issue, Cost associated with Underwritten Deals, Cost associated with Deals Approved, are all construed as presenting base on the context data).

As per claim 44, Cepeda discloses, the elements of the claimed invention but fails to explicitly disclose, wherein the smart expense application is further configured to assign a number of points corresponding to the difference.

Walker teaches multi-user pricing of individual products based on volume discounts with the feature of, wherein the smart expense application is further configured to assign a number of points corresponding to the difference ([0056]; stores a plurality of customer identifiers, which are construed as capable of being in the form of points, that correspond to customers that register with the group reward program).

From this teaching of Walker, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method for allocating operating expenses of Cepeda to include the assigning a number of points corresponding to the difference, taught by Walker in order to provide a means to execute the incentive.

5. Claims 9, 14, 15, 19 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cepeda (2002/0069143) and Birch (7,272,568) and Walkerr et al. (2006/0212358) further in view of Barrett et al. (6,029,144).

As per claim 9, Cepeda discloses the elements of the claimed invention but fails to explicitly disclose, wherein the user data comprises one or more of a user preference, a user purchase history, and a user reward point total.

Barrett teaches a compliance-to-policy detection method and system with the feature of wherein the user data comprises one or more of a user preference, a user purchase history, and a user reward point total (col. 6, lines 49 – 51; policy checker 208 inputs audit queue 308 from PreProcessor 206, an expense entry history database 406, a receipt history database 408, a travel history database 410 and a rules database 402).

From this teaching of Barrett, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method for allocating operating expenses of Cepeda to include the user purchase history, taught by Barrett in order to keep track of expenses.

As per claim 14, Cepeda discloses the elements of the claimed invention but fails to explicitly disclose, wherein the reporting comprises exception reporting based upon the expense data.

Barrett teaches a compliance-to-policy detection method and system with the feature of wherein the reporting comprises exception reporting based upon the expense data ([abstract]); The preferred embodiment also includes an auditor workflow system that works with the policy checker to guide manual audits of those expense entries that are not in compliance with the policy rules. The preferred embodiment also includes a data pattern analyzer that detects patterns of behavior that can be indicative of fraud).

From this teaching of Barrett, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method for allocating operating expenses of Cepeda to include the exception reporting, taught by Barrett in order to detect a potential problem.

As per claim 15, Cepeda discloses the elements of the claimed invention but fails to explicitly disclose, wherein the reporting comprises forecasting based upon the expense data.

Barrett teaches a compliance-to-policy detection method and system with the feature of wherein the reporting comprises forecasting based upon the expense data (col. 10, lines 60 – 62; Neural networks are characterized by powerful pattern-matching and predictive capabilities in which input variables interact heavily).

From this teaching of Barrett, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method for allocating operating expenses of Cepeda to include the forecasting based upon expense data, taught by Barrett in order to further predict a problem.

As per claim 19, Cepeda discloses the elements of the claimed invention but fails to explicitly disclose, further comprising analyzing at least a portion of the expense data to detect fraudulent activities.

Barrett teaches a compliance-to-policy detection method and system with the feature of further comprising analyzing at least a portion of the expense data to detect

fraudulent activities ([abstract]); a system and method for checking expense entries for compliance with policy rules and detecting the possibility of fraud is provided).

From this teaching of Barrett, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method for allocating operating expenses of Cepeda to include the analyzing of the expense data, taught by Barrett in order to facilitate compliance.

As per claim 20, Cepeda discloses the elements of the claimed invention but fails to explicitly disclose, wherein analyzing the expense data comprises deploying a software agent.

Barrett teaches a compliance-to-policy detection method and system with the feature of wherein analyzing the expense data comprises deploying a software agent (col. 8, lines 40 – 43; using workflow software such as FlowMark to implement auditor workflow system 216, the preferred embodiment provides a system that guides the manual audit and verification of the expense entries).

From this teaching of Barrett, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method for allocating operating expenses of Cepeda to include the deploying of a software agent, taught by Barrett in order to further aid compliance.

As per claim 21, Cepeda discloses the elements of the claimed invention but fails to explicitly disclose, wherein analyzing the expense data comprises detecting a pattern in the data.

Barrett teaches a compliance-to-policy detection method and system with the feature of wherein analyzing the expense data comprises detecting a pattern in the data ([abstract]); the preferred embodiment also includes a data pattern analyzer that detects patterns of behavior that can be indicative of fraud).

From this teaching of Barrett, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method for allocating operating expenses of Cepeda to include the detecting of a pattern, taught by Barrett in order to provide a means to monitor questionable activity.

As per claim 22, Cepeda discloses the elements of the claimed invention but fails to explicitly disclose, wherein analyzing the expense data comprises detecting an exception in the data.

Barrett teaches a compliance-to-policy detection method and system with the feature of wherein analyzing the expense data comprises detecting an exception in the data ([abstract]); an auditor workflow system that works with the policy checker to guide manual audits of those expense entries that are not in compliance with the policy rules).

From this teaching of Barrett, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method for

allocating operating expenses of Cepeda to include the detecting an exception in the data, taught by Barrett in order to monitor activity that is not compliant.

Response to Arguments

8. Applicant's arguments with respect to claims 1 – 45 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUSEYE IWARERE whose telephone number is (571)270-5112. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elaine Gort/
Primary Examiner, Art Unit 3687

OI